IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3876 of 2005

Between:

Charminar Bottling Company Rep. by its Personal Manager,
Ch. Maheswara Rao S/o. Ch. Venkata Rao,
R/o. Pothireddypally Village,
Sangareddy,Medak District.

..... PETITIONER

AND

Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Patancheru,
Medak District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, Order or direction more particularly one in the nature of Writ of certiorari calling for the records of the proceedings of the first respondent dt. 7th February, 2005 issued in pursuance of the levy order No. AP/17022/PD/SAO/PTC/04/1593 dt. 27-12-2004 and quash the same as being illegal, arbitrary, unconstitutional and contrary to the provisions of the Employees Provident Fund Miscellaneous Provisions Act 1952 and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent : MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed challenging the order dated 07.02.2005 passed by the respondent-Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Patancheru, under Sections 7Q and 14B of the Employees Provident Funds and Miscellaneous provisions Act, 1952 (for short “the Act”), whereunder, the petitioner was directed to pay a sum of Rs.1,21,904/- towards penal interest and damages for non-payment of provident fund contributions.

When the matter is taken up for consideration, the learned Standing Counsel appearing for the respondents at the outset raised an objection as to the maintainability of the writ petition contending that against the impugned order dated 7-2-2005 an alternative remedy is available by way of Appeal under Section 7-I of the Act.

Since an efficacious alternative remedy is available under the statute, without exhausting the said remedy, the petitioner cannot maintain this writ petition.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy as available under law. No costs.

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01.03.2005

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To

1. Assistant Provident Fund Commissioner, Employees Provident Fund Organisation, Patancheru,
   Medak District.

2 Two CD copies.